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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of

OKADA *et al.*

Atty. Ref.: 723-951

Serial No. 09/722,410

Group: 3714

Filed: November 28, 2000

Examiner: C. White

For: PORTABLE VIDEO GAME SYSTEM

\* \* \* \* \*

February 24, 2003

Assistant Commissioner for Patents  
Washington, DC 20231

RECEIVED

FEB 26 2003

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

TECHNOLOGY CENTER R3700

In response to the restriction requirement dated January 28, 2003, Applicants elect without traverse the invention of Group XII (*i.e.*, claims 87-101) for prosecution on the merits. Because a restriction requirement is never proper unless the restricted groups of claims are patentably distinct (*i.e.*, *inter alia*, non-obvious under 35 U.S.C. Section 103) from the elected group of claims, the Examiner is requested to ensure that such patentable distinctness is present before proceeding to make the requirement final.

In addition, Applicants request that the invention of Group III (*i.e.*, claims 37-51) be examined with the elected invention because it is believed similar searches would be involved. Applicants emphasize that this request does not constitute (and should not be construed to constitute) a comment or admission regarding the patentability of claims 37-51 *vis-a-vis* the patentability of claims 87-101 or any other claims.

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Applicants reserve the right to file divisional application(s) directed to the subject matter of one or more of the non-elected groups prior to the termination of proceedings in this application or any application claiming priority therefrom.

Finally, a Third Preliminary Amendment accompanies this response.

Please charge any fee associated with the filing of this response to our Deposit Account No. 14-1140.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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